

62, respectively. Applicant further notes the Examiner has corrected the inadvertent error in claim numbering.

Applicant affirms the provisional election of the Group II claims made with traverse by Applicant's attorney, Cathryn Campbell. Accordingly, claims 53-62 are elected for further prosecution in this application as a result of the restriction requirement.

The Examiner requests an updated status of each parent application. In accordance with the Examiner's request, Applicant has amended the specification to indicate the status of each prior application.

In light of the amendments, claims 53-61 remain pending in this application. Applicant has reviewed the grounds for the rejections of these claims, but respectfully traverses the rejections for the reasons set forth below.

Applicant first wishes to thank the Examiner for the telephone interview on November 18, 1991, with Applicant's attorneys regarding this application. Applicant believes the interview was helpful in focussing the issues relating to the pending rejections.

I. Rejection Under 35 U.S.C. §112

Claims 53-60 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite in the recitation of "more stable" because the term is relative and no frame of reference is provided. Applicant has amended claims 53 and 54 to delete the relative term which is allegedly indefinite. The claims now contain the language used in claim 61, which was not rejected for indefiniteness, and accordingly requests the withdrawal of the rejection.

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· II. Rejection Under 35 U.S.C. §101

Claim 62 stands rejected under 35 U.S.C. §101 as claiming the same invention as that of a claim in U.S. Patent No. 5,023,243. Since claim 62 has been canceled, Applicant requests the withdrawal of the double patenting rejection as well.

III. Prior Art Rejections

Claims 53-61 stand rejected under 35 U.S.C. §103 as being unpatentable over Itakura et al. in view of either one of Paterson et al. or Hastie et al. in further view of either one of Summerton or Miller et al. According to the Examiner, "[i]t would be obvious for one of ordinary skill in the art to construct oligodeoxyribonucleotides using the methods taught by Itakura et al. in order to specifically inhibit protein synthesis in a manner similar to that shown by either primary reference in cells as suggested by either tertiary reference."

Applicant notes that the same references were cited against the patentability of the claims in the parent application, now issued as U.S. Patent No. 5,023,243. Applicant specifically directs the Examiner's attention to pages 8-13 of the response filed on July 6, 1990, during the prosecution of the '243 patent. A copy of this response is attached as Exhibit A. The arguments made in the response are applicable to the present invention in distinguishing over the cited reference. Applicant accordingly requests the rejection be withdrawn.

Claims 53-61 are further rejected under 35 U.S.C. §102(e) as being anticipated by or, in the alternative, under 35 U.S.C. §103 as obvious over Ts'o et al ('863). During the interview with Applicant's attorneys on November 18, 1991, the Examiner confirmed that copies of any relevant affidavits or declarations under 37 C.F.R. §1.131 or §1.132 would be

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sufficient. Accordingly, Applicant submits herewith copies of Dr. Cathryn Campbell's Declaration filed on November 16, 1988, during the prosecution of related application Serial No. 07/140,916, now abandoned. A copy of the Declaration is submitted herewith as Exhibit B.

As a final matter, Applicant submits herewith a copy of PTO Form 1449 (Exhibit C) containing a list of references cited by the Applicant, which are of record in the parent application ('243 patent). Miyoshi et al., Tetrahedron Letters 38:3635-3638 (1979) is also of record in the '243 patent.

CONCLUSION

In light of the foregoing amendments and remarks, Applicant believes the pending claims are in a condition for allowance and respectfully solicits a notice to that effect. If there are any remaining issues to be resolved, the Examiner is invited to call either Dr. Campbell or the undersigned attorney.

Respectfully submitted,



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